

**MINUTES
of the
FIRST MEETING
of the
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 10, 2008
Room 307, State Capitol
Santa Fe**

The first meeting of the Courts, Corrections and Justice Committee was called to order at 10:10 a.m. by Senator Cisco McSorley, co-chair, on Tuesday, June 10, 2008, in Room 307 of the State Capitol in Santa Fe, New Mexico.

Present

Rep. Al Park, Co-Chair
Sen. Cisco McSorley, Co-Chair
Sen. Rod Adair
Rep. Thomas A. Anderson
Rep. Joseph Cervantes
Sen. Carroll H. Leavell
Sen. Richard C. Martinez
Sen. Lidio G. Rainaldi
Rep. Peter Wirth
Rep. Eric A. Youngberg

Advisory Members

Rep. W. Ken Martinez
Sen. William H. Payne
Rep. Jane E. Powdrell-Culbert
Sen. John C. Ryan
Rep. Teresa A. Zanetti

Absent

Rep. Gail Chasey
Sen. Clinton D. Harden, Jr.
Rep. Antonio "Moe" Maestas
Rep. William "Bill" R. Rehm

Rep. Elias Barela
Sen. Kent L. Cravens
Rep. Daniel R. Foley
Sen. Mary Jane M. Garcia
Sen. John T.L. Grubestic
Sen. Gay G. Kernan
Sen. Linda M. Lopez
Sen. Michael S. Sanchez
Rep. Sheryl Williams Stapleton
Rep. Mimi Stewart
Rep. Thomas E. Swisstack
Sen. James G. Taylor

Staff

Maha Khoury
Aldis Philipbar

Interim Committee Protocols

Paula Tackett, director, Legislative Council Service (LCS), addressed questions and concerns regarding interim committee protocols. She began with the issue of obtaining a quorum. She said that a quorum consists of one-half plus one of the voting members assigned to the committee. She said that the speaker of the house and the president pro tempore have the authority to appoint voting members to the committee. Once a quorum is established, it is presumed to exist. She also said that a committee can dissolve into a subcommittee to hear testimony. She added that members may resign at any time. Ms. Tackett said that only voting members are allowed to vote. She then discussed the blocking provision, which states that no action shall be taken if a majority of total members from one house appointed to the committee vote against the measure. Ms. Tackett addressed issues related to the sound systems in the committee rooms. The sound systems adjust automatically and are easily disrupted by background noise. If a committee member is having trouble hearing, Ms. Tackett suggested checking for excessive background noise. She noted that laptop screens can block the microphones. She said that the microphones should be turned off until a member is ready to speak to avoid feedback. Finally, Ms. Tackett discussed the interim committee calendar. She said that meeting conflicts were avoided as best as possible during the calendar creation. She added that any changes to the calendar must be approved by the Legislative Council.

New Mexico Sentencing Commission: Budget and Current Projects

Mike Hall, executive director, New Mexico Sentencing Commission (NMSC), began by discussing the NMSC main web site and the Consolidated Offender Query (COQ). He stated that the main web site receives about 400,000 hits per month, and the COQ site, accessible only by law enforcement and crime agencies, receives 200,000 hits per month. He added that data from the COQ site have been transferred to a CD-rom and sent to schools. The COQ site currently have about 3,000 users, and the commission would like to expand that to 6,000 users. He added that it takes about 30 seconds to find information on the COQ site, whereas, prior to the COQ site, it took about one hour to track down information. He said that the COQ site has helped automate the victim notification system and puts protective orders into the system in real time so that they are available to law enforcement across the state. Interlock and domestic violence alerts have been added to the COQ system, and the system is facilitating electronic data transfers between the district attorney's office, the crime lab and the courts. He added that the COQ system is secure. Mr. Hall said that the sentencing commission is prepping an assessment of nonviolent offenders who have served 50 percent of their time and violent offenders who have served 85 percent of their time. He also said that the commission is conducting several studies, including two sex offender studies, a study on bias-based policing, a study on gender-specific parole and alternatives to incarceration.

Randall Cherry, general counsel, Sex Offender Management Board (SOMB), said that the SOMB is conducting a recidivism study on sex offenders and just completed a residential study. He added that lifetime supervision was added for the more serious sex offenders last year and

that, in 2005, sex offender registration and notification were brought in line with federal requirements. He said that the U. S. Department of Justice has not yet published guidelines for the federal Adam Walsh Act (Walsh). Under Walsh, 14 year olds could be registered as sex offenders for life. He said that there has been a lot of push-back from the states on Walsh. August 27, 2009 is the deadline for states to be in line with Walsh, but since there are no guidelines, that date may be pushed-back as far as two years. Mr. Cherry said that the SOMB has been working with ValueOptions on a treatment program for juvenile sex offenders. He described some of the problems with the law requiring GPS surveillance of sex offenders on parole. He added that there are currently 47 sex offenders on active GPS surveillance at a cost of \$35.00 per day and 392 sex offenders on passive GPS surveillance out of a total of 634 sex offenders on probation or parole.

Tony Ortiz, deputy director, NMSC, said that the state inmate population has flattened and that the commission is looking at the causes and developing a paper to address possible causes. Mr. Ortiz also spoke about the progress of the work requested by Senate Memorial 47 to measure the fiscal impact of criminal penalties. Mr. Hall then addressed the NMSC's budget. He said that the commission has a base budget of \$850,000. Mr. Hall said that the NMSC would probably be back to request an increase in its budget for several reasons. The commission will have to start paying rent to the University of New Mexico. The commission needs funds for salary increases, employee benefits, a half-time programmer, the bias-based policing study, the COQ system and for the work to be done in response to Senate Memorial 47.

The panel then addressed the questions and concerns of the committee.

Work Plan and Meeting Schedule for the 2008 Interim

Representative Park went over the proposed work plan and meeting schedule and requested input from committee members and members of the public. New topics were added to the proposed work plan, and the committee approved a work plan that includes three additional meetings days and expanding the meetings in August, October and November to three-day meetings.

There being no further business, the committee adjourned at 12:45 p.m.